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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,481	08/27/2003	Timothy A. DePottey	14257	6037

7590 10/04/2005

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EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,481

Applicant(s)

DEPOTTEY ET AL.

Examiner

Faye M. Fleming

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The request for continued examination (RCE) submitted filed July 7, 2005 has been entered and acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9, 13-16, 18-24, 26-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Burnard, et al (5,320,379).

Burnard teaches an airbag module comprising an inflator 10 having a flange; and a mounting device 20 comprising a first retention device 18 integrally formed with a mounting plate, wherein the first retention device snaps into engagement with the flange in response to motion of the flange toward the mounting plate to secure the flange in a manner that resists nondestructive disassembly. The flange comprises an outer edge wherein the first retention device overlaps the outer edge to grip the inflator. The first retention device comprises a clip having a shank extending from the mounting plate and a head comprising a retention surface that contacts the flange proximate a straight portion of the outer edge wherein the shank is deformable, as shown in figure 2. The first retention device comprises a snap having a shank extending from the mounting plate and a head comprising a retention surface that

contacts the flange proximate a hole 16 formed in the flange. The mounting device further comprises a second retention device disposed opposite the first retention device with respect to the mounting plate. Burnard also teaches a third retention device. The mounting device comprises a recess in which the inflator is mounted. Burnard teaches an inflatable cushion 30 having an inlet disposed to receive inflation gas from the inflator. The inflator comprises an axis of symmetry, wherein the inflator is shorter along the axis of symmetry than a width of the inflator perpendicular to the axis of symmetry.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnard, et al (5,320,379) in view of Morita (5,195,774).

Burnard teaches the claimed invention except for the mounting device having one or more mounting holes. Morita teaches an airbag attaching structure comprising a mounting device 10 having one or more mounting holes, as shown in the figures. Based on the teachings of Morita, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag module of

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Burnard to have a mounting device comprising one or more mounting holes to provide means of installing the mounting device in a vehicle.

6. Claims 10, 11, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnard, et al (5,320,379).

Burnard teaches the claimed invention except for a rectangular shape mounting device. It would have been an obvious matter of design choice to have a rectangular shape mounting device, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

Response to Arguments

7. Applicant's arguments filed July 7, 2005 have been fully considered but they are not persuasive. The applicant argues U.S. Patent 5,320,379 to Burnard does not have identical features as claimed such as the mounting plate wherein the plate is defined by a smooth flat, relatively thin piece of metal or other material, the examiner notes contrary to argument the instant invention has a mounting device including a mounting plate 52 and a recess 53 resulting to a flange 60, that is, a protruding rim, edge, rib, or collar. With respect to the Applicant's argument that Burnard also disclose a separate mounting plate 32, again the examiner notes the Applicant is arguing something that the examiner is not relying on. As described above the reference 20 is a mounting device and/or plate, by definition, comprising a retention device 18. Further, the references clearly teaches the claimed structure.

Conclusion

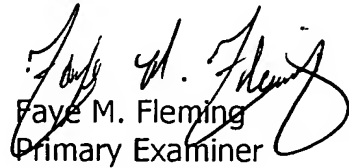
8. This is a RCE (request for continued examination) of applicant's instant Application No. 10/649,481. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Faye M. Fleming
Primary Examiner
Art Unit 3616
09/29/05